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07 08	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE	
09	UNITED STATES OF AMERICA,)
10	Plaintiff,))
11	V.) Case No. 05-484M
12	MY BA DINH,)) DETENTION ORDER
13	Defendant.))
14)
15	Offenses charged:	
16	Conspiracy to import marijuana, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A),	
17	and 846 and possession of marijuana with intent to distribute, in violation of 21 U.S.C.§§ 841	
18	(a)(1), 841 (b)(1)(D).	
19	<u>Date of Detention Hearing</u> : October 14, 2005	
20	The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and	
21	based upon the factual findings and statement of reasons for detention hereafter set forth,	
22	finds:	
23	FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION	
24	(1) Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that	
25	defendant is a flight risk and a danger to the community based on the nature of the pending	
26	charges.	
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(2) Defendant's interview with Pretrial Services produced substantial discrepancies regarding his living arrangements, employment arrangements, citizenship status and passport information. These issues raise substantial questions regarding the risk of nonappearance. In addition, substance abuse questions remain. As a result, the defendant has not overcome the statutory rebuttable presumption set forth in 18 U.S.C. § 3142 (e).

IT IS THEREFORE ORDERED:

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
- (4) The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 14th day of October, 2005.

JAMES P. DONOHUE

United States Magistrate Judge

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